

## Judge Quits Case to Keep The 'Appearance of Justice'

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U.S. District Judge Thomas A. Flannery removed himself from a major gambling conspiracy case yesterday after federal prosecutors disclosed that one of the defendants had been the target of electronic surveillance while Flannery was U.S. attorney here.

Flannery removed himself at the request of defense attorneys for several of the 11 persons charged in the alleged conspiracy, who asked that he take the step to "preserve the appearance of justice." The case will now be assigned to a different judge.

In disqualifying himself from hearing the case, Flannery was critical of the government for not telling him earlier about the possible conflict.

"I'm quite displeased with the government for not bringing my attention to this ... You've disrupted my calendar, my schedule," Flannery said.

Assistant U.S. Attorney John E. Drury maintained, however, that the wiretap in question was totally unrelated to the current gambling case. He said the tapes of that electronic surveillance, placed on the Jet Liquor Store, and defendant Warren Cooper, had



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not even been heard by persons in the U.S. attorney's office handling this case.

Several court-authorized wiretaps were used in the current gambling investigation, according to court papers on file here. At the time of the government's disclosure of the previous, unrelated tap, Judge Flannery was hearing motions to suppress that evidence.

Defense attorneys claim that the wiretaps were unnecessary investigative "overkill,"

since the government had informants in the alleged gambling organization. One of the requirements for a court-ordered wiretap here is that normal investigative means be exhausted first.

They also claimed that the previous wiretap would become a major issue in the current case, despite the government's contention that it was unrelated.

The 11 persons named in the case being presented yesterday were part of 40 persons arrested on Feb. 1 in what police called at the time the largest coordinated gambling raid in the city's history.

Police officials said those arrested formed a ring of the "top numbers operators in this area" who were doing about \$4.5 million a year business. Cooper, of Oxon Hill, and Joseph A. Bellosi, of Upper Marlboro, were named by police as the "top guy" suspects in the case.

Cooper was listed last year by the Washington office of the Bureau of Narcotics and Dangerous Drugs as among the top 10 Washington-area drug dealers. Bellosi is a suspect in cases involving racketeering, gambling and income tax evasion.